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Amendment submitted in response
to Office Action mailed 08/19/2006
U.S. Pat App. No. 10/092,859
February 15, 2007
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Remarks/Arguments

The amendments set forth herein are provided solely to clarify the invention as filed and set forth in the pending claims in order to comply with applicable statutes and regulations. The amendments are not intended to limit the invention or preclude the application of equivalents which Applicant may be entitled to under law.

Status of the Application

Applicant respectfully requests reconsideration of the rejections and objections set forth in the Office Action mailed on 08/19/2005.

The Examiner has objected to claim 1 for a typographical error.

The Examiner has rejected claims 1-10 under 35 U.S.C. 101 as being directed to non-statutory subject matter.

The Examiner has further rejected claims 6-10 under 35 U.S.C. 112 as being indefinite.

The Examiner has rejected claims 1-22 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. 2002/0184291 to *Hogenauer*.

Applicant has added claims 24-27

As such, claims 1-27 are pending in this application.

The Claims

Cited Art

Hogenauer discloses a scheduling engine for an adaptive computing engine (*see* Abstract). The adaptive computing engine utilizes a similar networked fabric as the present application. Scheduling, as disclosed by *Hogenauer*, relies on the configuration and capability of the available hardware (*see* ¶¶ 0020-0021; FIG. 2). A schedule, as disclosed by *Hogenauer*, is a process of iteratively refining a proposed schedule based on a cost evaluation (*see* ¶ 0027; FIG. 3). Once a feasible schedule is found, then the found schedule drives further processes (*see id.*).

Objections

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The Examiner has objected to claim 1 for a typographical error. Applicant has amended claim 1 accordingly. Therefore, for at least these reasons, Applicant respectfully requests that the above objection be removed.

Rejections Under 35 U.S.C. § 101

Claim 1

The Examiner has rejected claims 1-10 under 35 U.S.C. 101 as being directed to non-statutory subject matter. Applicant has amended claim 1 accordingly. Therefore, for at least these reasons, Applicant respectfully requests that the above rejection be removed.

Rejections Under 35 U.S.C. § 102 (e)

Claims 1-22

The Examiner has rejected claims 1-22 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. 2002/0184291 to *Hogenauer*.

Applicant respectfully submits that *Hogenauer* should properly be removed as a prior art reference because both applications were commonly assigned. To wit:

Application No. 09/872,397 is duly assigned and recorded to QUICKSILVER TECHNOLOGY INCORPORATED – Reel/Frame 011889/0103.

Application No. 10/092,859 is also duly assigned and recorded to QUICKSILVER TECHNOLOGY INCORPORATED – Reel/Frame 012738/0557.

As such, Applicant submits that the present claims are not an invention by “another” as indicated by 35 U.S.C. § 102(e).

Therefore, for at least these reasons, Applicant respectfully requests that the above rejection for claims 1-22 be removed.

Furthermore, as noted above, *Hogenauer* discloses a scheduling engine for an adaptive computing engine (*see* Abstract). The adaptive computing engine utilizes a similar networked fabric as the present application. Scheduling, as disclosed by *Hogenauer*, relies on the configuration and capability of the available hardware (*see* ¶¶ 0020-0021; FIG. 2). A schedule, as disclosed by *Hogenauer*, is a process of iteratively refining a proposed schedule based on a cost evaluation (*see* ¶ 0027; FIG. 3). Once a feasible schedule is found, then the found schedule drives further processes (*see id.*).

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In contrast, claim 1 requires, "pacing allocation of the plurality of tasks to the plurality of execution nodes based on the readiness of the plurality of tasks." That is, a schedule based on hardware configurations is not created and then adhered to by those configurations, rather, a dynamic process that paces tasks to execution nodes based readiness of the tasks is required by the present claims. Further, although *Hogenauer* discloses an accounting method for utilizing clock cycles (see ¶ 0025), those accounting methods are utilized for creating a fixed schedule as opposed to pacing as contemplated by the present claims.

Therefore, for at least these reasons, Applicant respectfully submits that claim 1 is allowable over the cited art and requests that the above rejection be removed. Claims 11 and 20 are system claims that perform the methods as claimed by claim 1 and include limitations directed toward pacing tasks and are therefore allowable over the cited art for at least the same reasons cited for claim 1.

All remaining claims depend either directly or indirectly from independent claims 1, 11, and 20 and are therefore allowable over the cited art for at least the same reasons cited for those claims.

Rejections Under 35 U.S.C. § 112

Claims 6-10

The Examiner has further rejected claims 6-10 under 35 U.S.C. 112 as being indefinite. Applicant has amended claims 6-10 accordingly. Therefore, for at least these reasons, Applicant respectfully requests that the above rejection be removed.

New Claims

Claims 23-27

Support for all newly presented claims may be found in the Specification at pp. 4-5, in the claims are originally presented, and in the figures at FIG. 3. As such, Applicant submits that no new matter has been added.

Conclusion

Applicant believes that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a

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telephone conference would expedite the prosecution of this application; the undersigned can be reached at the telephone number set out below.

The Commissioner is hereby authorized to charge any additional fees to process this Amendment, or credit any over-payments that may apply, to our Deposit Account No. 502421.

Respectfully submitted,



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